



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Arcwel Corporation

File: B-224726

Date: September 25, 1986

DIGEST

1. Agency properly made award to second low bidder after Small Business Administration declined to issue certificate of competency for low bidder which agency had found nonresponsible.
2. GAO does not review affirmative determinations of responsibility except in certain limited situations.

DECISION

Arcwel Corporation (Arcwel) protests the award of a contract pursuant to solicitation No. N62791-86-B-0170, issued by the Navy for the overhaul of the YR-50 berthing barge. Arcwel explains that it was found nonresponsible based upon its financial ability to successfully complete the contract and contends that the award was made to Continental Maritime of San Diego, Inc. (Continental), prior to a final determination by the Small Business Administration (SBA) on the Certificate of Competency (COC) requested by the Navy and Arcwel. Arcwel also protests that Continental should not have received award as it does not have sufficient financial ability to complete the contract.

We dismiss the protest.

The Navy has supplied documentation which shows that SBA declined to issue a COC to reverse the Navy's nonresponsibility determination by letter dated September 10, 1986. Award was then made to Continental by the Navy on September 12. Therefore, this protest has no merit.

Moreover, Arcwel's protest of Continental's financial ability concerns Continental's responsibility. Our Office will not review protests of affirmative determinations of responsibility unless the protester shows possible fraud or bad

faith on the part of the contracting officials or alleges that the solicitation contains definitive responsibility criteria which have been misapplied. Alan Scott Industries, et al, 63 Comp. Gen. 610 (1984), 84-2 C.P.D. ¶ 349. Arcwel has made no such showing here.

The protest is dismissed.

John F. Mitchell
for Robert M. Strong
Deputy Associate General Counsel